

# ABUSER REGISTRY OFFENSES

## 1. Physical Abuse

Knowingly using physical force that can reasonably be expected to result in physical harm or serious physical harm; Recklessly using physical force that results in physical harm; or Negligently using physical force that results in serious physical harm.

## 2. Sexual Abuse

Sexual Abuse means unlawful sexual conduct or sexual contact.

## 3. Prohibited Sexual Activity

A DD employee cannot engage in any sexual conduct or have any sexual contact with a person with mental retardation or another developmental disability for whom the employee is employed or under a contract to provide care and who is not the DD employee's spouse. Consent of the person with a DD is not a valid defense for this Abuser Registry offense.

## 4. Neglect

Neglect means, when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual. Recklessly neglected which results in physical harm or creates a substantial risk of serious physical harm; Negligently neglected which results in serious physical harm.

## 5. Misappropriation

Depriving or Defrauding a person with a DD of real or personal property:

- A. Misappropriated property of one or more individuals with a DD that has a value, either separately or taken together, of one hundred dollars or more;
- OR
- B. Misappropriated property of an individual with a developmental disability that is designed to be used as a check, draft, negotiable instrument, credit card, charge card, or device for initiating an electronic fund transfer at a point of sale terminal, automated teller machine, or cash dispensing machine.

## 6. Failure to Report

Unreasonably failed to make a report pursuant to division (C) of section 5123.61 of the Revised Code (Reporting Abuse, or Neglect to law enforcement or the county board) when the employee knew or should have known that the failure would result in a substantial risk of harm to an individual with a DD. The reporting requirement for DD employees is that if they have reason to believe that a person with a DD has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of such a nature as to reasonably indicate abuse, neglect, or misappropriation, they shall immediately report or cause reports to be made.

## 7. Verbal Abuse

Verbal abuse means purposely using words to threaten, coerce, intimidate, harass, or humiliate an individual. Knowingly being verbally abusive that can reasonably be expected to result in physical harm or serious physical harm; Recklessly being verbally abusive that results in physical harm; or Negligently being verbally abusive that results in serious physical harm.